

EXHIBIT M

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
06 Civ. 0589 (CGE)

-----x
ANUCHA BROWNE-SANDERS,

Plaintiff,

- against -

MADISON SQUARE GARDEN, L.P., ISIAH LORD
THOMAS, III, and JAMES DOLAN,

Defendants.
-----x

December 11, 2006
10:00 a.m.

VIDEOTAPE DEPOSITION of JAMES
DOLAN, taken by the Plaintiff, pursuant to
Notice, held at the offices of Vladeck
Waldman Elias & Engelhard, P.C, 1501
Broadway, New York, New York, before
Debbie Zaromatidis, a Shorthand Reporter
and Notary Public of the State of New
York.

1 DOLAN

2 that I specifically remember was when Mr.
3 Mills reported to us that Ms. -- Ms.
4 Browne was leaving the company.

5 Q. What did he say and what did
6 anyone else there say?

7 A. Mr. Mills reported that he had
8 had a meeting with -- with Ms. Browne and
9 that Ms. Browne had informed him that she
10 did not wish to continue on in her
11 position, and I believe that Mr. Ratner
12 was -- I don't know if I could use the
13 right word. I don't know if I could say
14 he was pleased, but Mr. Ratner thought
15 that that was a good development for the
16 company.

17 Q. Anybody else say anything else?

18 A. Mr. Mills reported that he was
19 going to work on an arrangement where Ms.
20 Browne could -- could leave the company.
21 The -- on some sort of graduated basis,
22 continue to perform her duties, look for
23 another position. I believe Ms. -- that
24 Steve reported that Ms. Browne asked
25 her -- asked him to help in locating

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2 responsibilities for the Knicks.

3 Q. Do you recall approximately when
4 that was?

5 A. Obviously prior to July. I
6 think significantly prior, meaning
7 somewhere longer than six months prior.

8 Q. So would it have been in 2004?

9 A. It could have been, but it could
10 have been earlier. It could have been
11 early 2005.

12 Q. Now, prior to the November,
13 December time frame when you say that Mr.
14 Mills told you and others that
15 Ms. Browne-Sanders was leaving The Garden,
16 had you heard anyone be critical of
17 Ms. Browne-Sanders?

18 MR. GREEN: Objection to form.
19 You may answer it.

20 A. Yes.

21 Q. Who did you hear who had a
22 criticism of Ms. Browne-Sanders?

23 A. Well, I had criticism of
24 Ms. Browne-Sanders, and Mr. Ratner had
25 criticism of Ms. Browne-Sanders.

1 DOLAN

2 Q. Let's start with Mr. Ratner.
3 What criticism did Mr. Ratner express to
4 you of Ms. Browne-Sanders?

5 A. I think Mr. Ratner's criticism
6 centered around the thing that I
7 was -- that I had mentioned before, the
8 inability to perform the duties,
9 responsibilities of the job, that the
10 skill levels were not there.

11 Q. What skills did
12 Ms. Browne-Sanders not have in your view
13 or in Mr. Ratner's view as he expressed it
14 to you?

15 MR. GREEN: Objection to form.
16 You may answer.

17 A. Mr. Ratner specifically felt
18 that Ms. Sanders had problems getting
19 along with other executives in -- in the
20 company. The -- but I also think that he
21 agreed with me that Ms. -- Ms. Sanders
22 particularly was missing the budgetary
23 skills, the financial skills as well as
24 the branding and marketing management
25 skills that were necessary in order to do

1 DOLAN

2 the job.

3 Q. And did Mr. Ratner tell you who
4 he believed that she had problems getting
5 along with?

6 A. I don't recall.

7 Q. Did anyone tell you that they
8 had problems getting along with
9 Ms. Browne-Sanders?

10 A. I don't specifically recall.

11 Q. Did Mr. Ratner tell you how he
12 came to form a belief that
13 Ms. Browne-Sanders had problems getting
14 along with others?

15 A. I'm sure he did, but I don't
16 specifically remember -- recall the
17 specifics of it. No.

18 Q. Did he tell you that he had
19 understood that that was her reputation or
20 words to that effect?

21 MR. GREEN: Objection to form.
22 You may answer.

23 A. As I said, I don't specifically
24 recall, you know, how -- what he used as
25 his rationale or backup for forming that

1 DOLAN

2 opinion.

3 Q. And what were the budget and
4 financial skills that you said both you
5 and Mr. Ratner believed that
6 Ms. Browne-Sanders was lacking?

7 A. Well, in -- budgeting is a -- it
8 is part of a managerial science. In
9 essence the -- a budget is a numerical
10 expression of a -- of a plan of action for
11 an upcoming period of time, generally a
12 year in advance sometimes as much as five
13 years in advance. The -- it requires
14 the -- the person in charge of that
15 operation to first be able to articulate
16 what their plans, their goals, their
17 objectives are for their area of
18 responsibility for that period of time.
19 It then requires from there the planning,
20 the -- the strategies, tactics, the
21 execution of those, the -- in advance
22 obviously for -- as long as the period of
23 time as the budget is for. From that,
24 there -- there is then a financial portion
25 of that that is then translated into a

1 DOLAN

2 budget, a plan, a financial plan
3 essentially saying we are going to -- we
4 are going to achieve this goal by using
5 these strategies and these tactics, and
6 these tactics will involve the spending of
7 this money, the using of these resources,
8 et cetera, the -- and then ultimately
9 having that result in an overall financial
10 plan for whatever the operation is that
11 you're running. The -- Ms. Sanders did
12 not understand that basic concept.

13 Q. Which basic concept?

14 A. The basic concept is that the
15 budget was a plan -- the basic -- was a
16 reflection of the plan for the upcoming
17 year.

18 Q. And how do you know that she did
19 not understand that basic concept?

20 A. Because as I reviewed her
21 submission for a budget, it became clear
22 that she did not understand what she
23 needed to do in order to -- to complete
24 the -- a budget, a financial plan. She
25 could not answer the questions that the

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2 person who was the author of such a
3 document would need and you would expect
4 would be able to answer. The --

5 Q. Do you remember any questions
6 that she was unable to answer?

7 A. Oh, yes. Specifically
8 the -- the way we review a budget we start
9 off not with any of the numbers per se,
10 but we start off asking the manager, the P
11 and L manager, to write down for us their
12 goals, strategies, tactics, the -- and in
13 the case of Ms. Browne-Sanders' area we
14 also required a branding statement. These
15 formed the basis for which you then form
16 the plan for -- for the operating year
17 ahead. It took us several meetings and a
18 great deal of coaching sometimes to the
19 point where I felt that I was authoring
20 the plan in order to get a sufficient
21 document that you could rely -- that you
22 could then use to formulate the -- a
23 budget off of.

24 Q. And when was the first of these
25 several meetings that you said that there

1 DOLAN

2 was a great deal of coaching and when did
3 you have a sufficient document?

4 MR. GREEN: Objection.

5 Multiple, compound question. You may
6 answer.

7 Q. What is the time frame --

8 A. What -- roughly July if -- that
9 is summer.

10 Q. Now, when were all of the
11 meetings where there were several meetings
12 and a great deal of coaching?

13 A. In that -- in the summertime,
14 June, July. I believe it went into
15 August.

16 Q. Now, prior to the June, July,
17 August time frame, had you seen
18 Ms. Browne-Sanders at budget forecast or
19 strategy meetings?

20 A. I don't recall.

21 Q. Prior to the June, July, August
22 time frame, had you formed an opinion of
23 Ms. Browne-Sanders' skill set or skill
24 level?

25 MR. GREEN: Objection to form.

1 DOLAN

2 In 2005, Anne?

3 MS. VLADECK: Yes.

4 A. No, I don't believe I had in
5 that position.

6 Q. When you keep saying in that
7 position, what position are you referring
8 to?

9 A. Well, I think that Ms. Saunders
10 had a job prior to this, the -- where she
11 was not in charge of the direct marketing
12 the -- of the Knicks, that she was in a
13 position where she was in charge of
14 portions of the execution of -- of that
15 marketing. The -- and the -- I believe
16 that she did a good job at that time,
17 the -- that was Mr. Mills -- I believe his
18 statements to me in -- his rationale in
19 promoting her into the position that he
20 did promote her into was that she had done
21 a good job in the job she had before.
22 The -- and it was a promotion, and
23 necessarily with a promotion you make a
24 move up the ladder of the company that you
25 are working for, and you take on

1 DOLAN
2 additional duties, responsibilities, et
3 cetera, and hopefully you've done a good
4 job and the -- you are ready to do that.
5 It became clear in July that Ms. Sanders
6 was not ready to do that, that it was in
7 my opinion a mistake to -- to promote her
8 to that position, but she was in the --
9 the position.

10 Q. And to the best of your
11 recollection, when did she become
12 responsible for the areas that you thought
13 she was not ready for?

14 A. Again, I -- you know, it is
15 prior to that July period. She had enough
16 experience that she was not considered new
17 at that July meeting and whether that was
18 six months or a year I have -- you know, I
19 can't tell you.

20 Q. So you formed an impression in
21 the June, July, August 2005 time frame
22 that Ms. Browne-Sanders did not have the
23 skills for the job that she had at that
24 time?

25 A. Yes.

1 DOLAN

2 Q. Prior to that time at any point,
3 did anyone express criticism of her to
4 you?

5 MR. GREEN: Objection. Asked
6 and answered. You may answer again.

7 A. Yes, I think we did. I said
8 before no, not that I recall.

9 Q. You said that Mr. Ratner had
10 expressed criticism to you of
11 Ms. Browne-Sanders?

12 A. Yes.

13 Q. On how many occasions did he
14 express criticism?

15 A. More than once and not every
16 day.

17 Q. Can you approximate how many
18 times?

19 MR. GREEN: Do you have a time
20 frame, Anne? It may be helpful to the
21 witness.

22 MS. VLADECK: I think he said
23 that it never happened before the
24 summertime frame.

25 A. I don't recall it happening

1 DOLAN

2 of the opinion that Ms. Sanders should be
3 fired essentially from the time that we
4 had those July budget meetings through to
5 when she ultimately was fired.

6 Q. When he first raised with you
7 his belief that she should be fired, what
8 did you say?

9 A. Well, I know that I did not
10 agree that she should be fired.

11 Q. What did you say?

12 A. That we gave her the position,
13 the -- I agree she is not skilled
14 for -- but let's give her an opportunity
15 to build those skills. If she doesn't
16 take the opportunity to build the skills,
17 then that is another thing, and we will
18 have to have a replacement.

19 Q. Did you at any point tell Mr.
20 Mills to tell Ms. Browne-Sanders that you
21 believed that she was not skilled and that
22 she had to build her skills?

23 MR. GREEN: Objection to form.
24 Could you have the question read back to
25 us, please.

1 DOLAN

2 MR. VLADECK: Sure.

3 THE WITNESS: No, I heard it.

4 MR. GREEN: Okay.

5 A. What I told Mr. Mills is
6 that -- not that I told him to tell her
7 that -- because -- that -- what I told Mr.
8 Mills was that I believed she didn't have
9 the skills, the -- and that rather than
10 letting her go because she couldn't do the
11 job, that we needed to provide her with
12 training and attempt to get her up to the
13 level that she needed to be in terms of
14 her skill level, so that she could do the
15 job. It was my feeling that the -- when
16 you do that for an employee that you get
17 back a very good employee assuming they
18 are willing to rely apply themselves and
19 learn the position. The -- and it was my
20 hope that that was what was -- would
21 happen with Ms. Browne-Sanders.

22 Q. What, if anything, did Mr. Mills
23 tell you when you discussed your belief
24 that Ms. Browne-Sanders wasn't performing?

25 A. The -- I believe Mr. Mills

1 DOLAN
2 wanted to give Ms. Sanders an opportunity
3 to be successful on the job. He did
4 agree -- I don't recall that I had to
5 argue with him about it. He did agree
6 that he would go and work with our staff
7 in putting together a training plan that
8 would be designed to fill the gaps
9 in -- in Ms. Saunders' skill set that she
10 needed in order to do the job.

11 Q. And can you describe what those
12 gaps were?

13 A. Essentially what I said before.
14 The -- budgeting, the -- the broader
15 managerial level of marketing particularly
16 having to do with branding. The --

17 Q. And --

18 A. I believe there was some
19 discussion at least of -- of general
20 personnel management kind of skills, but I
21 don't know that that -- in my mind at
22 least, that wasn't the primary reason for
23 sending her for training.

24 Q. And who --

25 MS. VLADECK: Just one more.

1 DOLAN

2 from the -- the budget meeting, and really
3 my opinion of her changed pretty
4 dramatically from when you talk about pre
5 that July period to post that July period.

6 Q. Other than Mr. Mills and Mr.
7 Ratner, did you get input from anyone else
8 on their view of Ms. Browne-Sanders?

9 MR. GREEN: Objection to form.
10 You may answer.

11 A. In what period?

12 Q. Any period.

13 A. Can you ask the question again?

14 MS. VLADECK: Can you read it
15 back.

16 (Record read.)

17 A. I am sure Mr. McCormack gave me
18 his view.

19 Q. What was Mr. McCormack's view?

20 A. Well, Mr. McCormack,
21 the -- would have given me his view. I
22 believe he did give me his view right at
23 the time that Ms. Sanders was let go.

24 Q. And what did he say to you and
25 what did you say to him?

1 DOLAN

2 A. Mr. McCormack said that
3 Ms. Sanders had willfully violated the
4 company's policies and had undermined his
5 investigation of the charges of sexual
6 harassment that he had -- was charged with
7 investigating.

8 Q. What did he say she had done
9 which was a willful violation of the
10 company policies?

11 A. That she had attempted to
12 influence her direct reports using her
13 authority.

14 Q. Anything else?

15 A. I believe he told me that
16 he -- that she took one of her direct
17 reports here.

18 Q. What did he say about that?

19 A. Well, that clearly was against
20 company policy.

21 Q. What company policy is it
22 against?

23 A. When you are -- put in a
24 complaint regarding sexual harassment or
25 actually a complaint, any complaint that

1 DOLAN

2 needs to be investigated at the company,
3 we have a human resources and employee
4 relations department that are charged
5 with -- with -- with doing that, and that
6 the -- as you would expect when someone
7 makes a complaint there is always
8 obviously two sides to it, and what the
9 company deems necessary is to have
10 the -- its HR, ER person the group
11 investigate that from basically a third
12 party's point of view. It requires both
13 parties to the -- to not discuss the
14 matter any further, not engage
15 in -- obviously in any further discussions
16 between themselves regarding the matter
17 and allow the HR department to conduct an
18 investigation and come to a conclusion.

19 Q. Is it your belief that the HR
20 department came to a conclusion?

21 MR. GREEN: Objection to form.
22 You may answer.

23 A. No, I don't believe that
24 they -- that they had at that point.

25 Q. No. Do you believe they have at

1 DOLAN

2 any point?

3 MR. GREEN: Same objection as
4 to form. You may answer if you know, Mr.
5 Dolan.

6 A. Yes, I have come -- that the HR
7 department believes that they came to a
8 conclusion regarding the complaint that
9 was made.

10 Q. Did the HR department ever make
11 a recommendation based on the conclusion
12 that it came to?

13 MR. GREEN: You mean to Mr.
14 Dolan himself?

15 MS. VLADECK: To anyone.

16 MR. GREEN: Objection to form.
17 If you know, Mr. Dolan, you may answer.

18 A. Not that I am aware of.

19 Q. Now, going back to the
20 conversation that you had with Mr.
21 McCormack, you stated that he told you
22 that Ms. Browne-Sanders attempted to
23 influence her direct reports using her
24 authority?

25 A. Yes.

1 DOLAN

2 Q. What did Mr. McCormack say to
3 you about that?

4 A. That Ms. Sanders had brought in
5 her direct reports, that she attempted to
6 infuse a memory into them of -- of the
7 particular times that the complaint was
8 registered about essentially attempting to
9 coerce her -- her direct reports into
10 corroborating her complaint.

11 Q. Did he identify any of these
12 direct reports that she attempted to
13 coerce?

14 A. I don't specifically remember.

15 Q. Now, you said that he said to
16 you that she brought in her direct
17 reports. Was it your understanding that
18 during the time of the investigation that
19 Ms. Browne-Sanders was at work?

20 A. Yes.

21 MR. GREEN: Objection to form.
22 Which investigation are you referring to?

23 MS. VLADECK: The one that he
24 is referring to that Mr. McCormack said
25 that she was attempting to coerce people.

1 DOLAN

2 A. With that in mind, I think the
3 answer is no.

4 Q. Were you aware that
5 Ms. Browne-Sanders had complained to Pete
6 Olsen concerning sexual harassment before
7 she went to a lawyer?

8 MR. GREEN: Same objection.

9 A. No.

10 Q. Did you believe that
11 Ms. Browne-Sanders going to a lawyer was a
12 violation of any company policy?

13 A. No.

14 Q. Do you believe that two
15 employees together going to a lawyer is a
16 violation of company policy?

17 MR. GREEN: Objection. Asked
18 and answered. The witness may answer if
19 he understands the question.

20 A. I think it depends on the
21 situation.

22 Q. In what circumstances would it
23 not be a violation of policy?

24 MR. GREEN: Objection. The
25 witness has answered that question now

1 DOLAN

2 several times. I object to the form of
3 the question. If he wants to amend a
4 prior answer, he may. I am instructing
5 him not to say what he said twice before.

6 MS. VLADECK: It is a different
7 question. Maybe if you hear it read back.

8 A. I think it -- I think I can
9 answer the question. I think it
10 is -- the -- when the employees are going
11 on their own behalf, I think that is fine.

12 Q. When did Mr. McCormack tell you
13 that Ms. Browne-Sanders had willfully
14 violated company policies and undermined
15 his investigation of her charges?

16 A. I don't have the specific date.
17 It was on a helicopter ride between our
18 corporate offices in Bethpage and West
19 30th Street here.

20 Q. Can you time it as to proximity
21 to when she was actually fired?

22 A. Same day I think. Within 24
23 hours.

24 Q. Prior to that helicopter ride,
25 have you had any other conversations with

1 DOLAN

2 Mr. McCormack concerning

3 Ms. Browne-Sanders?

4 MR. GREEN: Objection to form.

5 At any time ever?

6 MS. VLADECK: Yes.

7 A. I don't recall.

8 Q. Prior to that helicopter ride,
9 had you had conversations with Mr.
10 McCormack or anyone else with respect to
11 the investigation into her charges?

12 MR. GREEN: To the extent that
13 that would require you to reveal
14 conversations you had in the presence of
15 counsel, Mr. Dolan, or at the direction of
16 counsel, you may not answer this question.

17 MS. VLADECK: This is a yes or
18 no. Can I have the question read back,
19 please.

20 (Record read.)

21 MR. GREEN: Because the
22 question contains the substance and
23 subject of the meeting, I instruct the
24 witness not to answer to the extent it
25 would be a meeting at which counsel was

1 DOLAN

2 present or held at counsel's direction.

3 So you may not answer this question if you
4 had any such meeting or discussion at
5 the -- in the presence of counsel or at
6 the direction of counsel.

7 A. Okay. I got the direction. I
8 think that -- that the answer -- I know
9 that the answer is that the only
10 communication I had with Mr. McCormack
11 prior to this in regards to this -- this
12 matter would be to verify that he was in
13 fact investigating the matter.

14 Q. Who made the decision to have
15 Ms. Browne-Sanders' employment be
16 terminated by The Garden?

17 A. I did.

18 Q. Did you make it on your own or
19 was it with others, consultation or
20 something else?

21 A. Well, all decisions at The
22 Garden I make on my own.

23 Q. And what were the reasons or
24 what was the reason you fired
25 Ms. Browne-Sanders?

1 DOLAN

2 Rusty McCormack dated January 19, 2006,
3 and it's Bates numbers MSG's 6363 and
4 6364.

5 (Pause.)

6 A. Okay.

7 Q. Have you had a chance to review
8 Dolan Exhibit 1?

9 A. Yes.

10 Q. Have you ever seen that before
11 today?

12 A. No.

13 Q. If you look at the part under
14 the heading Anucha Browne-Sanders --

15 A. Yes.

16 Q. -- it says "As the record
17 indicates most of the Browne-Sanders'
18 allegations were not confirmed."

19 Do you see that?

20 A. I do see that.

21 Q. Do you know which, if any, of
22 her allegations were confirmed?

23 MR. GREEN: Objection to form.

24 A. No, I don't.

25 Q. It says later "It is clear that

1 DOLAN

2 investigation.

3 Were you aware as to who was
4 actually conducting the investigation for
5 The Garden?

6 A. No.

7 Q. Did you have any conversations
8 with John Moran concerning the
9 investigation?

10 A. No.

11 Q. Did you have any conversations
12 with Rochelle Noel concerning the
13 investigation?

14 A. No.

15 Q. Did you have any conversations
16 with Marc Schoenfeld concerning the
17 investigation?

18 A. He is an attorney, but no.

19 MR. GREEN: You gave your
20 answer. You can answer.

21 Q. Did you discuss with anyone the
22 possibility of turning the Play by Play
23 Restaurant into the Play Boy Club?

24 A. No.

25 Q. Have you ever heard of that idea

1 DOLAN

2 Q. What was your understanding of
3 Anucha Browne-Sanders' claims of sexual
4 harassment?

5 MR. GREEN: To the extent, Mr.
6 Dolan, you acquired any understanding from
7 counsel or at meetings in which counsel
8 were present, you may not answer. If you
9 learned it some other way, then you may.

10 A. My attorney is directing me not
11 to answer due to the privilege.

12 Q. Did you ever read any documents
13 that set forth either the complaints or
14 the investigation itself?

15 A. Nothing other than the
16 newspaper.

17 Q. Did you have conversations with
18 anyone other than counsel concerning the
19 substance of the complaints that
20 Ms. Browne-Sanders had against The Garden?

21 MR. GREEN: Other than with
22 counsel?

23 MS. VLADECK: Correct.

24 A. I don't recall.

25 Q. Now, going back for a minute to

1 DOLAN

2 A. I don't recall.

3 Q. Again, it would not be -- a
4 normal thing for Mr. Mills to talk to me
5 about the complaints for his -- his
6 employer. I mean he is responsible for
7 her. So why complain to me? The -- in
8 fact, I would probably ask him that
9 question. Why are you complaining to me?
10 She reports to you.

11 Q. Before you made the decision to
12 fire Ms. Browne-Sanders, did you ask Mr.
13 Mills whether he agreed or disagreed with
14 that decision?

15 A. No.

16 Q. And do you recall why you made
17 the decision to fire her on the day that
18 you made the decision?

19 A. Yes.

20 Q. And what was that?

21 A. We had come to the conclusion
22 that her working at the company was no
23 longer tenable due to the fact first
24 that -- that leading up until that point
25 and all the way from July up until that

1 DOLAN

2 MR. GREEN: You may answer.

3 A. -- who I heard the 6 million
4 dollar request from.

5 Q. In what context did you hear the
6 request?

7 A. That is what I don't recall.

8 Q. And did you hear the request on
9 the day you decided to fire her?

10 A. I'm not sure.

11 Q. Did you tell anyone that a
12 factor in your decision to fire
13 Ms. Browne-Sanders was that she had made a
14 request for 6 million in severance?

15 A. I think I did.

16 Q. Who did you tell?

17 A. I think at that same discussion
18 at the helicopter I pointed out that she
19 is already had -- had essentially -- I was
20 told she wasn't staying. She -- she
21 resigned and asked for the extended stay
22 period. The -- that she had tampered with
23 an investigation that -- that was begun on
24 her behalf, the -- and then had asked for
25 6 million dollars in severance.

1 DOLAN

2 Q. Now, when you said you think you
3 said it in the same conversation, was that
4 with Mr. McCormack and Mr. Ratner?

5 A. Right.

6 Q. Is there a reason you didn't
7 tell me that this morning when you were
8 asked a direct question as to whether or
9 not you told Mr. Ratner or Mr. McCormack
10 that a request for severance was a factor
11 in your decision to fire her?

12 A. No, I don't think you asked me
13 about a request for severance. You asked
14 me about a settlement. Settlement is a
15 bit different than a request for
16 severance.

17 Q. Is that the way you've been
18 parsing my questions if there was --

19 A. I don't mean to be cute with
20 you, but the --

21 Q. Well --

22 A. The -- it first came in a
23 request for severance. That then came in
24 a threat, right, that if the -- that if
25 the -- if I didn't get the money, right,

1 DOLAN

2 am trying to get the universe of factors.

3 MR. GREEN: I thought the
4 witness had testified more fully to a
5 number of things.

6 MS. VLADECK: That is a
7 speaking objection.

8 Q. To the extent that there are
9 other factors, what are they?

10 A. And all the factors leading up
11 to from July up until that point. I mean
12 that is a quite a long list, you know.

13 Q. That was your first factor.
14 What were all the events from July until
15 the date you fired her?

16 A. The -- again, I stated earlier
17 the -- you know, the inability to do her
18 job.

19 Q. And how was that reflected
20 between July and January?

21 A. That's in -- that is
22 inability -- inability to budget,
23 inability to brand. It is --

24 Q. And --

25 A. The -- and then the -- you know,

1 DOLAN

2 my essentially taking the opinion of Mr.
3 Ratner that she had not improved, that he
4 believed that she was -- should be
5 terminated.

6 Q. Are you done with all the events
7 leading from July to January?

8 A. Yes, I think so.

9 Q. What made you believe that from
10 July to January she had an inability to
11 budget or brand?

12 A. Because of the July meeting, the
13 skills and the work product that she
14 produced was not -- low, not acceptable.
15 It showed a lack of understanding of
16 budgeting. It showed a lack of
17 understanding of branding. She was unable
18 to come up with a branding statement for
19 the New York Knicks. She had to be given
20 one. That the -- and her -- in her budget
21 she was unable to explain her budget and
22 when she -- and when she did explain her
23 budget, her explanations, the -- showed a
24 lack of understanding of how budgets
25 are -- are put together and differences

DOLAN

1
2 budgeting process with her. We discovered
3 these deficiencies that the -- that -- you
4 know, that -- in her skill set. We went
5 through and paid for the -- and offered
6 her training the -- and paid for her
7 training to up those skills. I mean that
8 was at our expense that the -- -- and, you
9 know, after we are done sending her
10 school, right -- that -- to get better at
11 this, right, the -- she walks into the
12 office and says essentially I'm quitting.
13 The -- I can't work here any more.
14 The -- the -- and you need to -- what
15 I -- what I need you to do is to keep me
16 on, and I'll do my job, which was fair,
17 and help me find another job. That
18 the -- you know, at that point, you know,
19 I have to tell you that as -- as the CEO
20 of the company having then, you know,
21 offered her the -- the ability, right, to
22 essentially come out of what was a pretty
23 bad review but which is what came up out
24 of in terms of how her performance was in
25 that budgetary process, offering her the

1 DOLAN

2 ability for help, training to get her
3 skill levels up, the company was going to
4 stick with her, that the -- the -- and she
5 took the training, and then she came back
6 and basically said I quit. The -- then
7 she asks for 6 million dollars, that
8 the -- and then we find out that
9 she -- that she is utilizing her position
10 that she is -- she is off through the
11 company attempting to garner support for a
12 complaint that the -- about sexual
13 harassment. The -- at what point
14 does -- does an employee become no longer
15 effective at a company as -- in her
16 position. She was no longer effective.
17 The -- the -- and the -- at that point,
18 you know, I decided that the company had
19 to -- had to just cut it off, and that was
20 when -- when she was fired.

21 Q. Now, you say that you heard from
22 Mr. Mills that Mrs. Anucha Browne-Sanders
23 just walked into the office and said I'm
24 quitting?

25 MR. GREEN: Objection.

1 DOLAN

2 A. I --

3 MR. GREEN: Objection to form.

4 A. I don't know which date it was.

5 Q. Is there anything that would
6 refresh your recollection?

7 A. I don't know. I -- you know, I
8 mean -- other than hearing somebody else's
9 testimony, I guess, and that is not really
10 very helpful. I mean I --

11 Q. Now, are you -- are you aware
12 that Mr. McCormack believed that the
13 document that you have before you, Dolan
14 Exhibit 1, was prepared after you made the
15 decision to fire Ms. Browne-Sanders?

16 MR. GREEN: Objection to form.
17 If the witness knows what Mr. McCormack
18 knew or thought he knew.

19 A. I -- you know, I am unaware of
20 this document essentially until today. I
21 mean I am seeing it for the first time
22 today. I didn't know Mr. McCormack wrote
23 a document such as this.

24 Q. Well, he didn't write it. Mr.
25 Schoenfeld did, but -- did you tell Mr.

1 DOLAN

2 McCormack the three reasons or the three
3 factors for Ms. Browne-Sanders'
4 termination that you just told us here
5 today?

6 MR. GREEN: I am going to
7 object to your characterizing the factors
8 as any specific number, but the witness
9 may answer.

10 A. I believe I did.

11 Q. And did you tell Mr. Ratner?

12 A. Yes.

13 Q. And you told both of them that
14 Ms. Browne-Sanders using her position to
15 influence the investigation was a factor
16 in the termination?

17 A. Yes.

18 Q. Is one factor more heavily
19 weighted than any of the others?

20 MR. GREEN: Objection to form.

21 A. I -- you -- it -- I would have
22 to say that that the July -- the July
23 through -- this period here was
24 significant. The -- however the -- using
25 her position to influence employees in the

1 DOLAN

2 investigation was particularly -- showed a
3 lack of -- of ability for us to trust her.
4 I don't think we could trust her after she
5 did that. The -- you know, the -- if she
6 couldn't let the company operate and
7 follow the rules of the company and she
8 was going to establish her own rules,
9 which is essentially what she did, that
10 the -- it -- I mean at that point the -- I
11 think she really made her -- her
12 employment untenable because you just had
13 no idea what she would do. The -- I mean
14 the -- she clearly didn't respect the
15 process and the lines of authority, so how
16 could she stay?

17 Q. You have characterized what she
18 did as violation of policy as being wrong,
19 as all sorts of things.

20 A. Yeah.

21 Q. What did she do that in your
22 view was so bad that it deserved immediate
23 termination?

24 MR. GREEN: Objection.

25 Misstates prior testimony. It has been

1 DOLAN

2 "Browne-Sanders should be separated from
3 MSG and offered severance and outplacement
4 services subject to her execution of an
5 appropriate release."

6 Do you see that?

7 A. I do.

8 Q. And is it your testimony that
9 Mr. McCormack told you what
10 Ms. Browne-Sanders had done in connection
11 with the investigation prior to this time?

12 A. I told you I couldn't -- I
13 couldn't testify to the exact time and
14 now -- so I can't give you whether between
15 this one or the other one and when this
16 was written versus the other thing. I
17 just don't have the -- the chronology down
18 to that, you know -- down to that level.

19 Q. Well, let me ask you this. You
20 decided to fire Ms. Browne-Sanders?

21 A. Yes.

22 Q. Did you fire her?

23 MR. GREEN: Objection.

24 A. Well, I -- what constitutes
25 being fired?

EXHIBIT N

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
06 Civ. 0589 (CGE)

-----x

ANUCHA BROWNE-SANDERS,

Plaintiff,

- against -

MADISON SQUARE GARDEN, L.P., ISIAH LORD
THOMAS, III, and JAMES DOLAN,

Defendants.

-----x

November 10, 2006
10:10 a.m.

VIDEOTAPE DEPOSITION of JOHN D.
MORAN, taken by the Plaintiff, pursuant to
Notice, held at the offices of Vladeck
Waldman Elias & Engelhard, P.C, 1501
Broadway, New York, New York, before
Debbie Zaromatidis, a Shorthand Reporter
and Notary Public of the State of New
York.

1 MORAN

2 MR. GREEN: Objection.

3 Objection to form. Misstates prior
4 testimony.

5 A. Yeah. I -- I -- yes, I think I
6 did, but I'm -- I'm not really -- I'm not
7 sure of the timing. I mean I know she got
8 new responsibilities. I am not -- I'm not
9 sure about the timing. I know that she
10 got an increase over and above these four
11 to five range. I don't know the timing of
12 it, but I know she did get it.

13 Q. What additional responsibilities
14 is it your understanding that she
15 undertook to -- in connection with this
16 increased salary?

17 A. I'm not sure.

18 Q. And when did you learn of this?

19 A. Of her increased
20 responsibilities?

21 Q. Yeah.

22 A. I'm sorry. I'm not sure.

23 Q. You became aware at some point
24 that Ms. Browne-Sanders had made a
25 complaint of sexual harassment?

1 MORAN

2 A. Yes.

3 Q. How did you become aware of
4 that?

5 A. Mark Schoenfeld asked me
6 to -- he called and asked me with some
7 others to -- he was out of the office, and
8 I think they had just met with plaintiff's
9 counsel, perhaps you, and he wanted to
10 inform us as to what Anucha's allegations
11 were.

12 Q. Who was present for that
13 conversation? You said Mr. Schoenfeld was
14 calling from out of the office?

15 A. Yes.

16 Q. And were you with other people
17 in the office?

18 A. Yes.

19 Q. Who -- who was there?

20 A. I was there, Steve Mills I
21 believe was there. I think Barry Watkins.
22 I don't know whether Rusty was there or
23 not.

24 Q. Did you have any conversations
25 with Mr. Mills or Mr. Watkins after the

1 MORAN

2 call with Mr. Schoenfeld?

3 A. Not that I recall. I think I
4 just got up and left and went back to my
5 office.

6 Q. Did Mr. Schoenfeld give you any
7 direction to investigate the matter?

8 A. Yes, he did.

9 Q. What did he say about that?

10 A. Well, he said that -- that when
11 he got back -- I'm not sure if it was that
12 day or whenever he came back -- that we
13 should meet because he wanted me to -- to
14 conduct an investigation, and I -- I
15 think -- I think -- I'm not sure, but I
16 think Rochelle Noel might have been on the
17 conference call in a different location,
18 and so he just said we need to talk. We
19 need to do -- you know, it looks like we
20 should do an immediate investigation.

21 Q. Mr. Schoenfeld described what
22 the allegations were as he understood it
23 to everyone who was participating in the
24 call?

25 A. Yes.

1 MORAN

2 while I am here in Orlando, and I said
3 well, you know, you should -- I am just
4 going under what I was told that you
5 shouldn't come back until the
6 investigation is complete. So she said,
7 well, what am I going to tell my people,
8 and I said, well, I don't know. So she
9 started, well, maybe I will tell them that
10 I am going to extend my vacation for
11 another week, and I said, well, it wasn't
12 for me to -- I said okay, if that is what
13 you want to do, and I think that is what
14 she did. I think she sent an E mail to
15 them saying I am extending my vacation
16 another week.

17 Q. Did you ever communicate to
18 Ms. Browne-Sanders that she couldn't come
19 to the office because of security
20 concerns?

21 A. There is a letter that was
22 written to her that made reference to that
23 I recall, that she -- she had expressed
24 security concerns to us and to me. In
25 fact, we offered -- we offered if -- we

1 MORAN

2 said if you feel that way, we offered to
3 give her a security, and in fact when she
4 was going to the games -- this was during
5 the period -- this was around the period
6 when Hassan was being terminated, and she
7 made some -- she made some comments to me
8 about concern for her safety. I -- we
9 were in her office, and she was very upset
10 and was making statements about Stephon
11 and Isiah and said she was concerned about
12 her security. And I sell, well, if you
13 are really concerned about security we --
14 maybe we could do something about that.
15 So we had Joe Dean, who was
16 internal -- one the internal security
17 people, we called him and arranged for --
18 she said I have to walk to my car by
19 myself. So we arranged for her to be
20 escorted to her car. We had security
21 around where she -- where she was
22 sitting because she seemed -- she seemed
23 nervous about Hassan. So they
24 gave -- they gave Hassan's picture to the
25 security people, and they said don't let

1 MORAN

2 this guy in the area, and so she was going
3 on about that.

4 The reason I remember it so
5 vividly is -- it's always bothered me --
6 is that she was quite upset and agitated,
7 and she was saying, you know, Stephon
8 doesn't like me, and, you know, I
9 didn't -- I didn't credential him way back
10 when, and -- and she was saying things
11 about Isiah doesn't like me, and I always
12 find that curious that, you know, here I
13 am ER. I work with her on all these
14 things, sexual harassment things, and she
15 never once said to me and by the way Isiah
16 Thomas is sexually harassing me. I mean
17 she had all these other -- she had -- was
18 throwing out all these other things. I
19 just -- I never -- I've never been able to
20 understand it. I find it disturbing
21 because why wouldn't she make -- make
22 those allegations to me at the time.

23 MR. MINTZER: Could you read
24 back my question.

25 (Record read.)